

HALL  
REED  
GARNER--absent and excused

UNCONTESTED AGENDA

Wednesday, July 27, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (Water Quality Amendment)

- Item 1. APPLICATION BY CITY OF CLEBURNE for an amendment to Permit No. 10006-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a final volume not to exceed an average flow of 5,000,000 gallons per day to a final volume not to exceed an average flow of 6,250,000 gallons per day. The permittee is also requesting a variance to the buffer zone requirements. The proposed amendment will enforce more stringent effluent limitations as needed, in order to meet existing applicable rules and regulations. The wastewater treatment plant is on the north side of Buffalo Creek, approximately 1 mile southwest of the intersection of State Highway 174 and State Highway 171 in Johnson County, Texas.

APPROVED APPLICATION; PR/JH.

- Item 2. APPLICATION BY LONE STAR STEEL COMPANY for an amendment to Permit No. 00348 in order to reflect modified operations at the steel plant. The permit currently authorizes a discharge of: treated domestic wastewater effluent via Outfall 001 at a volume not to exceed an average flow of 500,000 gallons per day; and stormwater and filter backwash water via Outfall 005 at a volume not to exceed a dry weather flow of 750,000 gallons per day average, which will remain the same. The proposed amendment would: (1) decrease the volume of industrial wastewater effluent via Outfall 002 from 130,000,000 gallons per day average to 70,000,000 gallons per day average; (2) decrease the volume of treated utility wastewater via Outfall 004 from 100,000,000 gallons per day average to 55,000,000 gallons per day average; and (3) change the flow volume for process wastewater and stormwater via Outfall 003 from a continuous flow not to exceed 15,000,000 gallons per day average to a flow variable discharge. The proposed amendment will enforce more stringent requirements as needed, in order to meet

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existing applicable rules and regulations. The applicant operates a facility which manufactures steel and fabricates steel pipe and tube. The plant site is at the intersection of U.S. Highway 259 and State Highway 729, south of the City of Lone Star, Morris County, Texas.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Temporary Variance)

- Item 3. Consideration of a request for a temporary variance to the existing water quality standards for dissolved lead in Segment No. 0404 of the Cypress Creek Basin by LONE STAR STEEL COMPANY. The plant site is at the intersection of U.S. Highway 259 and State Highway 729, south of the City of Lone Star, Morris County, Texas.

APPROVED TEMPORARY VARIANCE; PR/JH.

UNCONTESTED (Water Quality Renewal)

- Item 4. APPLICATION BY LONGVIEW REFINING ASSOCIATES, INC. for renewal of Permit No. 00572 which authorizes a discharge of wastewaters consisting of treated effluent from tank bottoms, a desalter process, crude unit, cooling tower, reformer unit, LPG unit, and stormwater at a volume not to exceed an average flow of 120,000 gallons per day via Outfall 001. The permit also authorizes intermittent flow variable discharges of stormwater runoff via Outfalls 002 and 003. The applicant operates a petroleum refinery. The plant site is at 601 Premier Road in the City of Longview, Gregg County, Texas.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Amendment to Production Area Authorization)

- Item 5. Consideration of an application by EVEREST EXPLORATION, INC. for an amendment to Production Area Authorization (PAA) No. 4 (Permit No. UR02381-041) for its Mt. Lucas Mine Site in accordance with 30 TAC Section 33.107(f). The proposed amendment will revise the restoration table. The Mt. Lucas site is approximately three miles south of Dinero, Texas in southern Live Oak County.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Amendments to Radioactive Materials Licenses)

- Item 6. Consideration of staff initiated minor amendments to Radioactive Materials Licenses Nos. RW3024 TOTAL MINERALS CORPORATION, Webb County; RW2436 MALAPAI RESOURCES CO., Duval and Webb Counties; RW2538 INTERCONTINENTAL ENERGY CORPORATION d/b/a/ IEC CORPORATION IN TEXAS, Live Oak County; RW2449 USX CORPORATION, Live Oak County; RW3653 URI, INCORPORATED, Kleberg and Duval Counties; RW2537 WESTINGHOUSE ELECTRIC CORPORATION, Webb County; RW0219 MONSANTO CO., Brazoria County; RW1270 TEX TIN CORP., Galveston County; RW2704 URI, INCORPORATED, Duval County; RW0448, TEXAS A&M UNIVERSITY, Brazos County; RW1937 ISO-TEX, INC., Brazoria County; RW1234 CHEVRON RESOURCES CO., Duval County; RW1634 CONOCO, INC., Karnes County; RW3626 EVEREST EXPLORATION, INC., Karnes, Duval, Jim Hogg and Live Oak Counties. The proposed minor amendments would revise the permits to reflect transfer of regulatory jurisdiction from the Texas Department of Health to the Texas Natural Resource Conservation Commission on September 1, 1993, and incorporate updated citations to the radiation rules of the TNRCC, 30 TAC Chapter 336, which became effective on December 29, 1993.

APPROVED APPLICATION; PR/JH.

**UNCONTESTED (Minor Amendment to Radioactive Materials License)**

- Item 7. Consideration of a staff initiated minor amendment to Radioactive Materials License No. RW2402 CHEVRON RESOURCES CO., Karnes County in order to revise the permit to reflect transfer of regulatory jurisdiction from the Texas Department of Health to the Texas Natural Resource Conservation Commission on September 1, 1993, and incorporate updated citations to the radiation rules of the TNRCC, 30 TAC Chapter 336, which became effective on December 29, 1993. In addition, the amended license incorporates authorization for Chevron's uranium recovery and processing facility which was previously licensed by the TDH prior to transfer of jurisdiction on September 1, 1993.

APPROVED APPLICATION; PR/JH.

- Item 8. Consideration of a staff initiated minor amendment to Radioactive Materials License No. RW1431 EXXON CORP., Live Oak County in order to revise the permit to reflect transfer of regulatory jurisdiction from the Texas Department of Health to the Texas Natural Resource Conservation Commission on September 1, 1993, and incorporate updated citations to the radiation rules of

the TNRCC, 30 TAC Chapter 336, which became effective on December 29, 1993. In addition, the amended license authorizes disposal of soil from Exxon's former uranium mill site at Exxon's reclaimed uranium mill tailings impoundment.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Water District Matters)

- Item 9. APPLICATION BY HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$4,000,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 6.64% NET EFFECTIVE INTEREST RATE, SERIES 1994, AND USE OF SURPLUS FUNDS. For Commission consideration. Applicant requests approval of a bond issue and approval of use of surplus funds (\$252,360) to finance detention pond construction and land costs; wastewater treatment plant expansion & modification; and water, wastewater & drainage facilities for Concord Bridge Section 5 replat, Concord Bridge Section 7 replat, Concord Bridge Section 8, Eldridge Park Section 1 & 2, and Concord Bridge North Section 2. (Ferguson)

APPROVED APPLICATION; PR/JH.

- Item 10. APPLICATION BY FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE ISSUANCE OF \$1,000,000 IN UNLIMITED TAX BONDS, 6.91% NET EFFECTIVE INTEREST RATE, SERIES 1994, SEVENTH ISSUE. For Commission consideration. Applicant requests approval of the issuance of \$1,000,000 in unlimited tax bonds to finance District's pro rata share of construction costs of a new 3.0 mgd joint-use wastewater treatment plant. (Ferguson)

APPROVED APPLICATION; PR/JH.

- Item 11. APPLICATION BY BROWN COUNTY WATER IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF \$1,265,000 REVENUE BONDS, SIXTH ISSUE, 7.087% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance an elevated water tank and transmission line. (Ferguson)

APPROVED APPLICATION; PR/JH.

- Item 12. APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 FOR APPROVAL OF \$4,500,000 UNLIMITED TAX BONDS, THIRD ISSUE, 6.96% NET EFFECTIVE INTEREST RATE, SERIES 1994; AND THE USE OF \$100,000 IN SURPLUS FUNDS; \$2,500,000 BOND ISSUE APPROVED OCTOBER 8, 1994. For Commission consideration. Applicant requests approval of a bond issue and the use of surplus funds to finance

construction of channel improvements, fill, detention ponds, stormwater pump station, and land costs. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 13. PETITION BY RONALD T. SHEFMAN, TRUSTEE, REQUESTING APPOINTMENT OF DIRECTORS FOR HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3. For Commission consideration. Petitioner requests the Commission to appoint H. W. Jesse Jenckes and G. E. Chew for four-year terms ending May 6, 1996, and Cyndal Porter and Eileen C. Oser for four-year terms ending May 2, 1998, as directors serving Harris-Fort Bend Counties MUD No. 3. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration. Applicant requests authorization to proceed in federal bankruptcy pursuant to V.T.C.A. Water Code Section 50.060. (Walton)

APPROVED APPLICATION WITH THE CONDITION THAT THE ENTITY CAN COLLECT DEBTS WHILE IN BANKRUPTCY; PR/JH.

Item 15. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 86 FOR APPROVAL OF \$3,470,000 UNLIMITED TAX AND REVENUE BONDS, SECOND ISSUE, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1994, AND USE OF SURPLUS FUNDS. For Commission consideration. Applicant requests approval of the issuance of \$3,470,000 in unlimited tax and revenue bonds to finance development within the District. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 16. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 FOR APPROVAL OF \$9,525,000 UNLIMITED TAX BONDS, FIRST ISSUE, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance a water plant; outfall drainage improvements; regional detention contributions; construction of detention ponds; land for lift station, water plant and detention ponds; and water, wastewater, and drainage facilities for Willowbridge Sections 1, 2, & 3, Willowlake Section 1, and Westbridge Section 1. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 17. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 69 FOR APPROVAL OF \$1,200,000 UNLIMITED TAX

BONDS, THIRD ISSUE, 6.96% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance a pro rata share of wastewater treatment facilities, a pro rata share of land purchase, and water, wastewater & drainage facilities for various subdivisions within the District. (Ferguson)

APPROVED APPLICATION; PR/JH.

- Item 18. PETITION BY BOARD OF DIRECTORS AND FRIENDSHIP RANCH, LTD. FOR DISSOLUTION OF FRIENDSHIP RANCH WATER CONTROL AND IMPROVEMENT DISTRICT OF HAYS COUNTY. For Commission consideration. Applicant requests that the Commission dissolve the District. (Walton)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Water Utility Matters)

- Item 19. Application of John R. Lightfoot dba Regal Oaks Water System to Discontinue water utility service and Cancel Water CCN No. 12322 in Hays County, Texas. (Application # 30401-Q/ Darrell Nichols)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Water Right Permit)

- Item 20. Consideration of an application by Union Pacific Railroad Company under Texas Water Code Section 16.236. Applicant seeks approval of plans for construction of an embankment project in the 100-year floodplain of Las Raices Creek, tributary of the Nueces River, Nueces River Basin, LaSalle County, Texas. (Docket No. RE-0292)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Resolution)

- Item 21. Consideration of a resolution relating to the membership of the Texas Natural Resource Conservation Commission Task Force for the 21st Century. (Haley)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Settled Hearings)

Item 22. Consideration of and action on Examiner's Memorandum concerning the application of Weirich Bros., Inc. for temporary water use Permit No. TA-7138, Gillespie County, Texas, to divert 432 acre-feet of water within a 3-year period from the Pedernales River, a tributary of the Colorado River, in the Colorado River Basin, for mining purposes. RECOMMENDATION: Issuance of authorization.

APPROVED APPLICATION; JH/PR.

Item 23. Consideration of Examiner's Memorandum concerning the complaint of the TNRCC regarding Gulf Coast Machine & Supply Company, Permit No. 01203. RECOMMENDATION: Adoption of agreed Order. (ALEXANDRE BOURGEOIS)

APPROVED APPLICATION; JH/PR.

Item 24. Consideration of Examiner's memorandum and Order concerning the application of Glenwood Acres Water System to increase retail water rates in Upshur County, Texas (Docket No. 30255-G). Applicant provides retail water service to approximately 211 customers. Recommendation: Dismissal of application. (FANTL)

APPROVED APPLICATION; JH/PR.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TNRCC AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, July 27, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

- Item 25. Consideration of the ratification of the transfer of Municipal Solid Waste Permit No. MSW-647 from B.K. Paris to Precision Processors, Inc., to operate a Type I landfill facility in Hutchinson County, Texas.

APPROVED TRANSFER; PR/JH.